

1 **STATE OF GEORGIA**  
2 **COUNTY OF FULTON**  
3 **CITY OF SOUTH FULTON**

ORD2019-027

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7 **AN ORDINANCE BY THE CITY OF SOUTH FULTON, GEORGIA, ENCOURAGING**  
8 **PROTECTION OF THE ENVIRONMENT, AMENDING TITLE 14, ENVIRONMENT, OF**  
9 **THE CITY CODE OF ORDINANCES, REDUCING THE USE OF SINGLE-USE**  
10 **PLASTIC PRODUCTS WITHIN THE CITY AND FOR OTHER LAWFUL PURPOSES**  
11

12 **(Sponsored by Councilperson Gumbs)**  
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly  
15 organized and existing under the laws of the State of Georgia;  
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17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and  
18 Council thereof ("City Council");

19 **WHEREAS**, according to the Earth Day Network, Americans use more than 100  
20 billion plastic shopping bags and 25 billion expanded polystyrene (EPS") cups every  
21 year, in addition to 500 million plastic straws every day;  
22

23 **WHEREAS**, the United Nations publication entitled "Single-Use Plastics A  
24 Roadmap for Sustainability" found that single-use plastics are rarely recycled and are  
25 instead discarded into solid waste, landfill, and litter;  
26

27 **WHEREAS**, research by Dr. Anne Marie Mahon at the Galway-Mayo Institute of  
28 Technology indicates that the presence of such particulate plastic in the ecosystem may  
29 cause harm to humans by way of consumption and collateral environmental effects;  
30

31 **WHEREAS**, the adverse impacts of single use plastics have led cities, states,  
32 and countries around the world to adopt legislation designed to ban or otherwise restrict  
33 single-use plastics;  
34

35 **WHEREAS**, the City finds that reducing the use of single-use plastic products in  
36 Fulton County owned, operated, and leased buildings and facilities, where viable  
37 alternative or reusable products are available, and increasing the recycling of single-use  
38 plastics, will reduce litter and the amount of plastic that ends up in City storm drains and  
39 waterways; and  
40

41 **WHEREAS**, this Ordinance is in the best interests of the health and general  
42 welfare of the City, its residents and general public.

43       **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**  
44 **HEREBY ORDAINS** as follows:

45       **Section 1.** Title 1, Environment, of the City of South Fulton Code of Ordinances  
46 is hereby amended by creating a new Chapter 12, Single-Use Plastics Regulations,  
47 which shall read as follows:  
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49  
50       **CHAPTER 12, SINGLE-USE PLASTICS REGULATIONS**

51       **Sec. 14-12001. - City Departments and Providers.**

52       The following regulations are hereby established with respect to City Department  
53 and providers:

- 54       **a. Directive:** To the extent not in conflict with the Americans with Disabilities Act  
55 ("ADA"), all City departments are to immediately begin to phase-out the use of  
56 single-use plastics by incrementally substituting such products with viable  
57 alternatives where possible, or recycling plastics for which feasible alternatives  
58 are unavailable, with the aim of fully implementing the aforementioned directives,  
59 within City owned, operated, and leased buildings and facilities, by January 1,  
60 2020.  
61
- 62       **b. Defined.** The phrase "single-use plastics" shall be defined as disposable plastics,  
63 typically used once before they are discarded, to include plastic bags, straws,  
64 coffee stirrers, cups, and utensils and most plastic food packaging. The category  
65 of items defined as single-use plastics may be expanded and/or updated on the  
66 City's webpage periodically upon approval by the City Manager.  
67
- 68       **c. Acceptable plastics.** In cases where plastics may be used, such plastics  
69 deemed acceptable shall be defined as either certified compostable, 100%  
70 recyclable, or created using post-consumer (recycled) material. The list of  
71 acceptable plastics may be expanded and updated on the City's webpage  
72 periodically upon approval by the City Manager.  
73
- 74       **d. Procurement of Goods:** The City Purchasing Department is hereby directed to  
75 include language in all subsequent procurement contracts for the purchase of  
76 goods requiring that, where viable alternatives to single-use plastics are  
77 available, that such alternatives shall be used by prospective vendors in the  
78 performance of their contractual obligations to the City.  
79

80       **Sec. 14-12002. – Regulations governing retail establishments.**

81 The following regulations are hereby established with respect to retail  
82 establishments within the City:

83 a. **Definitions.** For purposes of this Section 14-12002, the following definitions  
84 apply:

85 1. "Single-use plastic carryout bag" means a bag made from plastic that is  
86 provided by a retail establishment at the check stand, cash register, point of  
87 sale, or other point of departure to a customer for the purpose of transporting  
88 food or merchandise out of the establishment. Single use plastic carryout  
89 bags do not include:

90 a. bags used by customers while shopping within the retail establishment to  
91 package loose bulk items such as fruit, vegetables, nuts, grains, candy or  
92 small hardware items, such as nails and bolts, or to contain or wrap  
93 frozen foods, meat or fish, whether prepackaged or not, or to contain or  
94 wrap flowers or potted plants, or other items where dampness may be a  
95 problem, or to contain unwrapped prepared foods or bakery goods, or to  
96 contain prescription drugs; or

97 b. newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags  
98 sold in packages containing multiple bags intended for use as garbage,  
99 pet waste, or yard waste bags.

100 2. "Retail establishment" means any person, corporation, partnership, business  
101 venture, public sports or entertainment facilities, government agency, street  
102 vendor or vendor at public events or festivals, or organizations that sell or  
103 provide merchandise, goods, or materials including, without limitation,  
104 clothing, food, beverages, household goods, or personal items of any kind  
105 directly to a customer. Examples include but are not limited to department  
106 stores, clothing stores, jewelry stores, grocery stores, pharmacies, home  
107 improvement stores, liquor stores, convenience stores, gas stations,  
108 restaurants, food vending trucks, farmers markets, and temporary vendors of  
109 food and merchandise at street fairs and festivals. 501-c(3) and government  
110 run food banks and food assistance programs are not considered to be retail  
111 establishments for the purposes of this section.

112 b. **Prohibition.** Effective September 1, 2020, no retail establishment in the City  
113 shall provide a single-use plastic carryout bag to any customer.

114 c. **Use of reusable bags.**

115 (1) All retail establishments must provide reusable bags to customers, either:

116 (a) For sale, or

117 (b) At a minimum charge of ten cents (\$0.10) per bag during limited-time store  
118 promotions.

(2) Exemptions would be made for reusable bag giveaway events that are intended to promote the use of reusable bags not exceeding a total of ninety (90) days in any consecutive 12-month period.

(3) Each retail establishment is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

**c. Encouragement to businesses, residents and other jurisdictions.** The City hereby urges businesses, residents and municipalities within Georgia to adopt additional practices with the objective and effect of reducing the distribution of single-use plastics.

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**Section 3.** It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

**Section 4.** All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

**Section 5.** The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

**Section 6.** The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

**Section 7. Instruction to City Clerk:** The City Clerk is hereby directed to circulate a copy of this Resolution to all City Department Heads promptly following its adoption.

THIS ORDINANCE so adopted this 8<sup>th</sup> day of October 2019.

**CITY OF SOUTH FULTON, GEORGIA**

  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

  
S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

  
EMILIA C. WALKER, CITY ATTORNEY



The foregoing Ordinance No. 2019-027 was moved for approval by Councilmember Gumbs. The motion was seconded by Councilmember Baker, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____X_____	_____
Catherine Foster Rowell	_____X_____	_____
Carmalitha Lizandra Gumbs	_____X_____	_____
Helen Zenobia Willis	_____X_____	_____
Gertrude Naeema Gilyard	_____X_____	_____
Rosie Jackson	_____X_____	_____
khalid kamau	_____X_____	_____